

1 AN ACT concerning criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 24-2.1, 24-2.2, and 24-3.2 as follows:

6 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

7 Sec. 24-2.1. Unlawful use of firearm projectiles ~~Armor~~
8 ~~Piercing-Bullets~~.

9 (a) A person commits the offense of unlawful use of
10 firearm projectiles ~~armor--piercing--bullets~~ when he or she
11 knowingly manufactures, sells, purchases, possesses, or
12 carries any armor piercing bullet, dragon's breath shotgun
13 shell, bolo shell, or flechette shell.

14 For the purposes of this Section:7

15 "Armor piercing bullet" means any handgun bullet or
16 handgun ammunition with projectiles or projectile cores
17 constructed entirely (excluding the presence of traces of
18 other substances) from tungsten alloys, steel, iron, brass,
19 bronze, beryllium copper or depleted uranium, or fully
20 jacketed bullets larger than 22 caliber designed and intended
21 for use in a handgun and whose jacket has a weight of more
22 than 25% of the total weight of the projectile, and excluding
23 those handgun projectiles whose cores are composed of soft
24 materials such as lead or lead alloys, zinc or zinc alloys,
25 frangible projectiles designed primarily for sporting
26 purposes, and any other projectiles or projectile cores that
27 the U. S. Secretary of the Treasury finds to be primarily
28 intended to be used for sporting purposes or industrial
29 purposes or that otherwise does not constitute "armor
30 piercing ammunition" as that term is defined by federal law.

31 The definition contained herein shall not be construed to

1 include shotgun shells.

2 "Dragon's breath shotgun shell" means any shotgun shell
3 that contains exothermic pyrophoric mesh metal as the
4 projectile and is designed for the purpose of throwing or
5 spewing a flame or fireball to simulate a flame-thrower.

6 "Bolo shell" means any shell that can be fired in a
7 firearm and expels as projectiles 2 or more metal balls
8 connected by solid metal wire.

9 "Flechette shell" means any shell that can be fired in a
10 firearm and expels 2 or more pieces of fire-stabilized solid
11 metal wire or 2 or more sold dart-type projectiles.

12 (b) Exemptions. This Section does not apply to or
13 affect any of the following:

14 (1) Peace officers.

15 (2) Wardens, superintendents and keepers of
16 prisons, penitentiaries, jails and other institutions for
17 the detention of persons accused or convicted of an
18 offense.

19 (3) Members of the Armed Services or Reserve Forces
20 of the United States or the Illinois National Guard while
21 in the performance of their official duties.

22 (4) Federal officials required to carry firearms,
23 while engaged in the performance of their official
24 duties.

25 (5) United States Marshals, while engaged in the
26 performance of their official duties.

27 (6) Persons licensed under federal law to
28 manufacture, import, or sell firearms and firearm
29 ammunition, and actually engaged in any such business,
30 but only with respect to activities which are within the
31 lawful scope of such business, such as the manufacture,
32 transportation, or testing of such bullets or ammunition.

33 This exemption does not authorize the general
34 private possession of any armor piercing bullet, dragon's

1 breath shotgun shell, bolo shell, or flechette shell, but
 2 only such possession and activities which are within the
 3 lawful scope of a licensed business described in this
 4 paragraph.

5 (7) Laboratories having a department of forensic
 6 ballistics or specializing in the development of
 7 ammunition or explosive ordnance.

8 (8) Manufacture, transportation, or sale of armor
 9 piercing bullets, dragon's breath shotgun shells, bolo
 10 shells, or flechette shells to persons specifically
 11 authorized under paragraphs (1) through (7) of this
 12 subsection to possess such bullets or shells.

13 (c) An information or indictment based upon a violation
 14 of this Section need not negate any exemption herein
 15 contained. The defendant shall have the burden of proving
 16 such an exemption.

17 (d) Sentence. A person convicted of unlawful use of
 18 armor piercing bullets shall be guilty of a Class 3 felony.
 19 (Source: P.A. 90-172, eff. 1-1-98.)

20 (720 ILCS 5/24-2.2) (from Ch. 38, par. 24-2.2)
 21 Sec. 24-2.2. Manufacture, sale or transfer of bullets or
 22 shells represented to be armor piercing bullets, dragon's
 23 breath shotgun shells, bolo shells, or flechette shells.

24 (a) Except as provided in subsection (b) of this
 25 Section, it is unlawful for any person to knowingly
 26 manufacture, sell, offer to sell, or transfer any bullet or
 27 shell which is represented to be an armor piercing bullet, a
 28 dragon's breath shotgun shell, a bolo shell, or a flechette
 29 shell armor-piercing as defined in Section 24-2.1 of this
 30 Code.

31 (b) Exemptions. This Section does not apply to or
 32 affect any person authorized under Section 24-2.1 to
 33 manufacture, sell, purchase, possess, or carry any armor

1 piercing bullet or any dragon's breath shotgun shell, bolo
2 shell, or flechette shell with respect to activities which
3 are within the lawful scope of the exemption therein granted.

4 (c) An information or indictment based upon a violation
5 of this Section need not negate any exemption herein
6 contained. The defendant shall have the burden of proving
7 such an exemption and that the activities forming the basis
8 of any criminal charge brought pursuant to this Section were
9 within the lawful scope of such exemption.

10 (d) Sentence. A violation of this Section Manufacture,
11 ~~sale, or transfer of bullets represented to be armor-piercing~~
12 ~~bullets~~ is a Class 4 felony.

13 (Source: P.A. 90-172, eff. 1-1-98.)

14 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

15 Sec. 24-3.2. Unlawful discharge of firearm projectiles
16 ~~Armor-Piercing-Bullets.~~

17 (a) A person commits the offense of unlawful discharge
18 of firearm projectiles ~~armor-piercing-bullets~~ when he or she
19 knowingly or recklessly uses an armor piercing bullet,
20 dragon's breath shotgun shell, bolo shell, or flechette shell
21 in violation of this Section.

22 For purposes of this Section:
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24 "Armor piercing bullet" means any handgun bullet or
25 handgun ammunition with projectiles or projectile cores
26 constructed entirely (excluding the presence of traces of
27 other substances) from tungsten alloys, steel, iron, brass,
28 bronze, beryllium copper or depleted uranium, or fully
29 jacketed bullets larger than 22 caliber whose jacket has a
30 weight of more than 25% of the total weight of the
31 projectile, and excluding those handgun projectiles whose
32 cores are composed of soft materials such as lead or lead
33 alloys, zinc or zinc alloys, frangible projectiles designed
primarily for sporting purposes, and any other projectiles or

1 projectile cores that the U. S. Secretary of the Treasury
2 finds to be primarily intended to be used for sporting
3 purposes or industrial purposes or that otherwise does not
4 constitute "armor piercing ammunition" as that term is
5 defined by federal law.

6 "Dragon's breath shotgun shell" means any shotgun shell
7 that contains exothermic pyrophoric mesh metal as the
8 projectile and is designed for the purpose of throwing or
9 spewing a flame or fireball to simulate a flame-thrower.

10 "Bolo shell" means any shell that can be fired in a
11 firearm and expels as projectiles 2 or more metal balls
12 connected by solid metal wire.

13 "Flechette shell" means any shell that can be fired in a
14 firearm and expels 2 or more pieces of fin-stabilized solid
15 metal wire or 2 or more sold dart-type projectiles.

16 (b) A person commits a Class X felony when he or she,
17 knowing that a firearm, as defined in Section 1.1 of the
18 Firearm Owners Identification Card Act, is loaded with an
19 armor piercing bullet, dragon's breath shotgun shell, bolo
20 shell, or flechette shell, intentionally or recklessly
21 discharges such firearm and such bullet or shell strikes any
22 other person.

23 (c) Any person who possesses, concealed on or about his
24 or her person, an armor piercing bullet, dragon's breath
25 shotgun shell, bolo shell, or flechette shell and a firearm
26 suitable for the discharge thereof is guilty of a Class 2
27 felony.

28 (d) This Section does not apply to or affect any of the
29 following:

30 (1) Peace officers;

31 (2) Wardens, superintendents and keepers of
32 prisons, penitentiaries, jails and other institutions for
33 the detention of persons accused or convicted of an
34 offense;

1 (3) Members of the Armed Services or Reserve Forces
2 of the United States or the Illinois National Guard while
3 in the performance of their official duties;

4 (4) Federal officials required to carry firearms,
5 while engaged in the performance of their official
6 duties;

7 (5) United States Marshals, while engaged in the
8 performance of their official duties.

9 (Source: P.A. 90-172, eff. 1-1-98.)